

REMARKS

Applicants have thoroughly considered the Examiner's remarks in the December 12, 2006 Office action and the application has been amended in light thereof. Claim 1 has been amended and claims 1-5, 7 and 8 are presented in the application for further examination. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested.

Applicants acknowledge the Office's acceptance of the drawings submitted on June 21, 2001.

Rejection under 35 U.S.C. §112

Claims 1-5, 7 and 8 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office rejected claims 1-5, 7 and 8 for failure to recite any relationship between the target device and the client computer. Applicants have amended claim 1 to further clarify the relationship between the target device and the client computer by reciting "in response to a request from the client computer for hardware and software inventory data on the target device, said target device being remote with respect to the client computer." Therefore, Applicants submit that the amendment particularly point out and distinctly claim the subject matter for invention and respectfully request the rejection of claims 1-5, 7 and 8 under 35 U.S.C. §112 be withdrawn.

Rejection under 35 U.S.C. §103(a)

Claims 1-5 and 7-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fleming, III, U.S. Patent No. 6,530,018. Applicants disagree with the Examiner's understanding of the invention and submit that Fleming fails to disclose or suggest each and every element of the rejected claim.

Amended claim 1 recites, in part, "a receiver, on a target device, including means for receiving an inventory-commence message from a client computer over a data network in response to a request from the client computer to a host unit for accessing hardware and software inventory data on the target device, said inventory-commence message being generated by the host unit, said target device being remote with respect to and not connected to the client computer, said target device being only intermittently accessible to the data network...; and a

transmitter including means for transmitting from the target device to the host unit of the component audit and inventory management system, through the data network, an inventory data message including the inventory data associated with the target device, wherein the client computer accesses the host unit for accessing the hardware and software inventory data of the target device.”

Embodiments of the invention disclose a system for computer device component audit and inventory management. Embodiments of the invention enable target devices associated with a client computer to transmit hardware and/or software inventory data or a file having hardware and/or software inventory data to a host computer, which will store the data or the file in a database for further use. (See also Application, FIGS. 1B and 3A-3C; paragraphs 0036-0038 and 0042-0049). The client computer may submit a request to the host computer for accessing the hardware and/or software inventory data of the target devices and perform analysis or other functions thereof.

To the contrary, the Fleming patent discloses “a system that retrieves and installs device driver software across a network” (Fleming, Abstract). It discloses how a device 102 within a computer system 108 can obtain a most up-to-date device driver for the device 102. Because the Fleming patent is unrelated to the present invention as disclosed, the Fleming patent cannot anticipate nor render the present invention obvious.

Furthermore, Fleming does not teach each and every element of the amended claim 1. For example, Fleming fails to disclose or suggest “a receiver, on a target device, including means for receiving an inventory-commence message from a client computer over a data network **in response to a request from the client computer to a host unit for accessing hardware and software inventory data on the target device.**” In fact, Fleming discloses or suggests that the communication between the device and the client computer is for installation of a driver for the device to be connected with the client computer. Fleming is silent about receiving an inventory-commence message from the client computer in response to a request from the client computer to a host unit for accessing hardware and software inventory data on the target device. (See also, Fleming, FIG. 2). The retrieval and installation of a device driver as described in col. 4, lines 41-53 of Fleming merely discloses that in instances when “upon detecting device 102, computer system reads URL 106 from non-volatile memory 104 within device 102 and uses URL 106 to retrieve current driver 116 from server 112 across network 111.” (Fleming, col. 4, lines 34-37).

In other words, the client computer first attempts to access the URL from the device and uses this URL information to identify the driver available on the network.

In addition, the detector is stored **on the target device** and is for detecting the hardware and software inventory data on the target device, and not the **software installation** existed for the device 102 on the client computer, as described in Fleming (emphasis added). In fact, Fleming is silent about detecting hardware and software inventory data **on the device**. Moreover, Fleming fails to disclose or suggest transmitting from the target device to the host unit an inventory data message including the inventory data associated the target device, wherein **the client computer accesses the host unit for accessing the hardware and software inventory data of the target device**. Contrary to the Office's assertion, Fleming's teaching of checking a driver is out-of-date or not is irrelevant to this feature of the claim 1.

Therefore, Applicants submit that the Office fails to establish the *prima facie* elements of an obviousness rejection and that the rejection of amended claim 1 under 35 U.S.C. §103(a) should be withdrawn. Claims 2-5 and 7-8 depend from claim 1 and are also patentable over the cited art. Therefore, rejection of claims 1-5 and 7-8 under 35 U.S.C. §103(a) should be withdrawn.

For at least the reasons noted above, Applicants respectfully submit that claims 1-5 and 7-8 are in condition for allowance and respectfully requests favorable reconsideration of this application. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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